

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Rocky J Eaton
Meredith A Eaton
Debtor(s)

Bankruptcy Case No.: 18-22766-CMB
Issued Per Sep. 17, 2018 Proceeding
Chapter: 13
Docket No.: 29 - 15
Concil. Conf.: January 31, 2019 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 2, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 31, 2019 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 8 .
- ☒ H. Additional Terms: The secured claims of Ally Bank at Claim No. 2 and Nissan Motor Acceptance at Claim No. 3 shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 27, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Rocky J Eaton
 Meredith A Eaton
 Debtors

Case No. 18-22766-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 3
 Total Noticed: 65

Date Rcvd: Sep 27, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 29, 2018.

db/jdb
 cr
 14878356 +Rocky J Eaton, Meredith A Eaton, 958 Leesburg Station Road, Volant, PA 16156-1324
 14878358 +First National Bank of Omaha, 1620 Dodge Street, Stop 3105, Omaha, NE 68197-0002
 14878359 +Aes / Suntrust, Po Box 61047, Harrisburg, PA 17106-1047
 14912811 +Barclays Bank Delaware, Po Box 8803, Wilmington, DE 19899-8803
 14878361 Butler Pathology Services, 911 East Brady Street, Butler, PA 16001
 14916745 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14878362 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 14905649 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 14878372 +Citizens Bank, 1 Citizens Drive, Riverside, RI 02915-3000
 14878373 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14878374 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218
 14884642 +Federal Loan Servicing, Po Box 60610, Harrisburg, PA 17106-0610
 14878374 +First National Bank of Omaha, 1620 Dodge Street, Stop code 3105, Omaha, NE 68197-0002
 14878375 +Fnb Omaha, Po Box 3412, Omaha, NE 68103-0412
 14880929 +Kay Jewelers / Genesis, Po Box 4485, Beaverton, OR 97076-4485
 14878378 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
 14890231 +Nissan Motor Acceptance, Po Box 660360, Dallas, TX 75266-0360
 14892122 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14878379 +Phelan Hallinan Diamond & Jones LLP, 1617 JFK Boulevard, Suite 1400,
 Philadelphia, PA 19103-1814
 14878380 +Phh Mortgage Services, 1 Mortgage Way, Mount Laurel, NJ 08054-4624
 14878381 +Pnc Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14878383 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703
 14878387 +Sears / Cbna, Po Box 6282, Sioux Falls, SD 57117-6282
 14878394 +Synch / Paypal Smart Consumer, Po Box 965005, Orlando, FL 32896-5005
 14897490 +Td Bank Usa / Target Credit, Po Box 673, Minneapolis, MN 55440-0673
 UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973,
 MADISON, WI, 53708-8973
 14878395 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: Us Bank, 4325 17th Avenue South, Fargo, ND 58125)
 14914014 +US BANK N.A., et.al., PHH MORTGAGE CORPORATION, 1 MORTGAGE WAY, MAILSTOP: SV01,
 MT. LAUREL NJ 08054-4624
 14878396 +Us Department Of Education / Glelsi, Po Box 7860, Madison, WI 53707-7860
 14892268 +Wells Fargo / Dillard, Po Box 14517, Des Moines, IA 50306-3517
 14916402 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14880213 E-mail/Text: ally@ebn.phinsolutions.com Sep 28 2018 02:18:50 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 14878357 +E-mail/Text: ally@ebn.phinsolutions.com Sep 28 2018 02:18:50 Ally Financial,
 200 Renaissance Center, Detroit, MI 48243-1300
 14878360 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 28 2018 02:25:35 Capital One,
 15000 Capital One Drive, Richmond, VA 23238
 14904353 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 28 2018 02:26:12
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14878363 +E-mail/Text: bankruptcy@firstenergycorp.com Sep 28 2018 02:20:05 Collection Service Center,
 839 5th Avenue, New Kensington, PA 15068-6303
 14878364 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:16
 Comenity Bank / Giant Eagle, Po Box 182789, Columbus, OH 43218-2789
 14878365 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:17
 Comenity Bank / Lane Bryant, Po Box 182789, Columbus, OH 43218-2789
 14878366 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:17
 Comenity Bank / New York & Company, Po Box 182789, Columbus, OH 43218-2789
 14878367 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:17 Comenity Bank / Peebles,
 Po Box 182789, Columbus, OH 43218-2789
 14878368 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:17
 Comenity Bank / Victoria's Secret, Po Box 182789, Columbus, OH 43218-2789
 14878369 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:17
 Comenity Bank / Woman Within, Po Box 182789, Columbus, OH 43218-2789
 14878370 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:18
 Comenity Capital Bank / HSN, Po Box 182120, Columbus, OH 43218-2120
 14878371 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 28 2018 02:19:18
 Comenity Capital Bank / Premier Design, Po Box 182120, Columbus, OH 43218-2120
 14892120 E-mail/Text: cio.bncmail@irs.gov Sep 28 2018 02:19:03 Internal Revenue Service,
 Insolvency Unit, PO Box 628, Pittsburgh, PA 15230
 14878376 E-mail/Text: bnckohlsnotices@becket-lee.com Sep 28 2018 02:18:58 Kohls / Capital One,
 N56 West 17000 Ridgewood Drive, Menomonee Falls, WI 53051
 14901473 +E-mail/Text: bankruptcydpt@mcsmcg.com Sep 28 2018 02:19:58 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 14878377 +E-mail/Text: bankruptcydpt@mcsmcg.com Sep 28 2018 02:19:58 Midland Funding LLC,
 2365 Northside Drive, Suite 30, San Diego, CA 92108-2709

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 65

Date Rcvd: Sep 27, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14912965 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 28 2018 02:26:18
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14879116 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 28 2018 02:25:40
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14878382 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 28 2018 02:26:18
Portfolio Recovery & Associates, 120 Corporate Boulevard, Suite 1,
Norfolk, VA 23502-4952
14879796 E-mail/Text: bnc-quantum@quantum3group.com Sep 28 2018 02:19:31
Quantum3 Group LLC as agent for, Credit Corp Solutions Inc, PO Box 788,
Kirkland, WA 98083-0788
14912147 E-mail/Text: bnc-quantum@quantum3group.com Sep 28 2018 02:19:31
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14878384 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:26:23 Synch / Amazon, Po Box 965015,
Orlando, FL 32896-5015
14878385 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:25:11 Synch / JCPenney, Po Box 965007,
Orlando, FL 32896-5007
14878386 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:25:11 Synch / Lowes, Po Box 965005,
Orlando, FL 32896-5005
14878388 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:25:44 Synch / QVC, Po Box 965018,
Orlando, FL 32896-5018
14878389 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:25:44 Synch / Sams Club,
Po Box 965005, Orlando, FL 32896-5005
14878390 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:25:11 Synch / Toys R Us,
Po Box 965005, Orlando, FL 32896-5005
14878391 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:25:43 Synch / Walmart Dc,
Po Box 965024, Orlando, FL 32896-5024
14878392 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:26:22 Synch Home, Po Box 965036,
Orlando, FL 32896-5036
14878393 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2018 02:25:31 Synchrony Bank,
950 Forrer Boulevard, Kettering, OH 45420-1469
14916711 +E-mail/Text: bncmail@w-legal.com Sep 28 2018 02:20:14 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14912241 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 28 2018 02:37:02 Verizon,
by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
TOTAL: 33

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK, NATIONAL ASSOCIATION
cr US BANK N.A. AS TRUSTEE ET. AL.
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14892119* +Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
14892121* +Internal Revenue Service, William Moor-Head Building, 1000 Liberty Avenue, Room 806,
Pittsburgh, PA 15222-4027

TOTALS: 2, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 29, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 27, 2018 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Meredith A Eaton dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Rocky J Eaton dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor US BANK N.A. AS TRUSTEE ET. AL. pawb@fedphe.com

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 65

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 6